

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Voluntary Petition

NAME OF DEBTOR Michael Francis Day, Sr.	JOINT DEBTOR Ellen Marie Day
ALL OTHER NAMES USED BY THE DEBTOR IN THE LAST 6 YEARS (including married, maiden & trade) 	ALL OTHER NAMES USED BY THE JOINT DEBTOR IN THE LAST 6 YEARS (including married, maiden & trade) Ellen Rodden
SOC. SECURITY #/TAX I.D. NO (if more than one, state all) IF FALSE OR FRAUDULENT DO NOT SIGN THIS PETITION & COMMIT PERJURY!!! (Last 4 digits of Social) ***-**-7461	SOC. SECURITY #/TAX I.D. NO (if more than one, state all) IF FALSE OR FRAUDULENT DO NOT SIGN THIS PETITION & COMMIT PERJURY!!! (Last 4 digits of Social) ***-**-6094
STREET ADDRESS OF DEBTOR 255 Signature Dr. Bloomington IL 60108	STREET ADDRESS OF JOINT DEBTOR 255 Signature Dr. Bloomington IL 60108
COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS Dupage	COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS Dupage
MAILING ADDRESS OF DEBTOR 	MAILING ADDRESS OF JOINT DEBTOR
LOCATION OF PRINCIPAL ASSETS OF BUSINESS DEBTOR (IF DIFFERENT FROM STREET ADDRESS ABOVE) NOT APPLICABLE	

Chapter 13W/Plan

Information Regarding the Debtor (Check the Applicable Boxes)

VENUE (Check any applicable box)

☒ Debtor has been domiciled or has had a residence, principal place of business or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.

☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District

TYPE OF DEBTOR (Check all boxes that apply)

☒ Individual(s) ☐ Railroad
☐ Corporation ☐ Stockbroker
☐ Partnership ☐ Commodity Broker
☐ Other _____

CHAPTER OR SECTION OF BANKRUPTCY CODE UNDER WHICH THE PETITION IS FILED (Check one box)

☐ Chapter 7 ☐ Chapter 11 ☒ Chapter 13
☐ Chapter 9 ☐ Chapter 12 ☐
☐ Sec 304 0-- Case ancillary to foreign proceeding

NATURE OF DEBTS (Check one box)

☒ Consumer/Non-Business ☐ Business

CHAPTER 11 SMALL BUSINESS (Check all boxes that apply)

☐ Debtor is a small business as defined in 11 U.S.C. §101
☐ Debtor is and elects to be considered a small business under 11 U.S.C. Sec.1121(e) (Optional)


FILING FEE (Check one box)

☒ Full Filing Fee attached
☐ Filing Fee to be paid in installments (Applicable to individuals only).
 Must attach signed application for the court consideration certifying that the debtor is unable to pay fee except in installments.
 Rule 1006(b) See Official Form No. 3

STATISTICAL/ADMINISTRATIVE INFORMATION (Estimates Only)

☐ Debtor estimates that funds will be available for distribution to unsecured creditors
☒ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds for unsecured creditors.

ESTIMATED NO. OF CREDITORS	<input checked="" type="checkbox"/>	11
ESTIMATED ASSETS	<input checked="" type="checkbox"/> \$	198,610
ESTIMATED DEBTS	<input checked="" type="checkbox"/> \$	217,110

**U.S. Bankruptcy Court
Northern District of Illinois**
Filed: 10/18/2004
Time: 15:36:36
Debtor: MICHAEL FRANCIS DAY
Case: 04-38676
Chapter: 13 Rec. # : 3106749
Judge: John Squires
341 mtg: 11/24/2004 @ 10:00AM
ConfHrg: 12/10/2004 @ 11:30AM
Trustee: GLENN STEARNS

1:04BK38676-BK001

Voluntary Petition

NAME OF DEBTOR(S)

Michael Francis Day, Sr.

Ellen Marie Day

(This page must be completed and filed in every case)

I STATE THAT I FILED THE FOLLOWING OTHER BANKRUPTCY CASES WITHIN LAST 6 YEARS (IF BLANK, THIS IS FIRST IN 6 YRS)

LOCATION WHERE FILED:

CASE NO.

DATE FILED

PENDING BANKRUPTCY CASE FILED BY ANY SPOUSE, PARTNER, OR AFFILIATE OF THE DEBTOR(S)

NAME OF DEBTOR:

CASE NUMBER:

DATE:

DISTRICT

RELATIONSHIP:

JUDGE:

Exhibit A (To be completed only if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)

Exhibit A is attached and made a part of this petition

Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? NO If yes and Exhibit C is attached and made a part of this petition XXXX No

Signature of Non-Attorney Petition Preparer I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document Printed Name of Bankruptcy Petition Preparer _____ Social Sec# _____ Address _____
 X _____ Signature of Bankruptcy Petition Preparer A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment of both 11 U.S.C. 110, 18 U.S.C. 156.

DEBTOR (S) READ ENTIRE PETITION SIGN, AND DATE BELOW 8 EVERY OTHER PAGE REQUIRED

I declare under penalty of perjury that the information provided in this petition is true and correct. I am aware that I may proceed under Chapter 7, 11, 12 or 13 of Title 11, U.S. Code, understand the relief available under each such Chapter and choose to proceed. I request relief in accordance with the Chapter of Title 11, United States Code, specified in this petition.

Dated: OCT 11 / 2004

Sign: X

Michael Francis Day, Sr.

Dated: OCT 11 / 2004

Sign: X

Ellen Marie Day

Exhibit B - Signature of Attorney

Attorney Name: Mark E. Levine

Bar No: 6239485

Law Offices of Peter Francis Geraci
55 E. Monroe Street #3400

Chicago IL 60603
312.332.1800
312.332.6354 Fax

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that (he or she) may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, and have explained the relief available under each Chapter.

Attorney Name: Mark E. Levine

Dated: 10/11 / 2004

INTRODUCTION

Page 3 of 26

Pursuant to the Bankruptcy Reform Act of 1994, the Office of the United States Trustee, United States Department of Justice, has prepared this information sheet to help you understand some of the possible consequences of filing a bankruptcy petition under Chapter 7 of the Bankruptcy Code. This information is intended to make you aware of ...

- (1) the potential consequences of seeking a discharge in bankruptcy, including the effects on credit history;
- (2) the effect of receiving a discharge of debts;
- (3) the effect of reaffirming a debt; and
- (4) your ability to file a petition under a different chapter of the bankruptcy code.

There are many other provisions of the Bankruptcy Code that may affect your situation. This information sheet contains only general principles of law and is not a substitute for legal advice. If you have questions or need further information as to how the bankruptcy laws apply to your specific case, you should consult with your lawyer.

WHAT IS A DISCHARGE?

The filing of a chapter 7 petition is designed to result in a discharge of most of the debts you listed on your bankruptcy schedules. A discharge is a court order that says you do not have to repay your debts, but there are a number of exceptions. Debts which may not be discharged in your chapter 7 case include, for example, most taxes, child support, alimony, and student loans; court-ordered fines and restitution; debts obtained through fraud or deception; and personal injury debts caused by driving while intoxicated or taking drugs. Your discharge may be denied entirely if you, for example, destroy or conceal property; destroy, conceal or falsify records; or make false oath. Creditors cannot ask you to pay any debts which have been discharged. You can only receive a chapter 7 discharge once every six (6) years.

WHAT ARE THE POTENTIAL EFFECTS OF A DISCHARGE?

The fact that you filed bankruptcy can appear on your credit report for as long as 10 years. Thus, filing a bankruptcy petition may affect your ability to obtain credit in the future. Also, you may not be excused from repaying any debts that were not listed on your bankruptcy schedules or that you incurred after you filed bankruptcy.

WHAT ARE THE EFFECTS OF REAFFIRMING A DEBT?

After you file your petition, a creditor may ask you to reaffirm a certain debt or you may seek to do so on your own. Reaffirming a debt means that you sign and file with the court a legally enforceable document, which states that you promise to repay all or a portion of the debt that may otherwise have been discharged in your bankruptcy case. Reaffirmation agreements must generally be filed with the court within 60 days after the first meeting of creditors.

Reaffirmation agreements are strictly voluntary -- they are not required by the Bankruptcy Code or other state or federal law. You can voluntarily repay any debt instead of signing a reaffirmation agreement, but there may be valid reasons for wanting to reaffirm a particular debt.

Reaffirmation agreements must not impose an undue burden on you or your dependents and must be in your best interest. If you decide to sign a reaffirmation agreement, you may cancel it at anytime before the court issues your discharge order OR within sixty (60) days after the reaffirmation agreement was filed with the court, whichever is later. If you reaffirm a debt and fail to make payments required in the reaffirmation agreement, the creditor can take action against you to recover any property that was given as security for the loan and you may remain personally liable for any remaining debt.

OTHER BANKRUPTCY OPTIONS

You have a choice in deciding what chapter of the Bankruptcy Code will best suit your needs. Even if you have already filed for relief under chapter 7, you may be eligible to convert your case to a different chapter.

Chapter 7 is the liquidation chapter of the Bankruptcy Code. Under chapter 7, a trustee is appointed to collect and sell, if economically feasible, all property you own that is not exempt from these actions.

Chapter 11 is the reorganization chapter most commonly used by businesses, but it is also available to individuals. Creditors vote on whether to accept or reject a plan, which also must be approved by the court. While the debtor normally remains in control of the assets, the court can order the appointment of a trustee to take possession and control of the business.

Chapter 12 offers bankruptcy relief to those who qualify as family farmers. Family farmers must propose a plan to repay their creditors over a three-to-five year period and it must be approved by the court. Plan payments are made through a chapter 12 trustee, who also monitors the debtors' farming operations during the pendency of the plan.

Finally, chapter 13 generally permits individuals to keep their property by repaying creditors out of their future income. Each chapter 13 debtor writes a plan which must be approved by the bankruptcy court. The debtor must pay the chapter 13 trustee the amounts set forth in their plan. Debtors receive a discharge after they complete their chapter 13 repayment plan. Chapter 13 is only available to individuals with regular income whose debts do not exceed \$1,000,000 (\$307,000 in unsecured debts and \$922,000 in secured debts).

AGAIN, PLEASE SPEAK TO YOUR LAWYER IF YOU NEED FURTHER INFORMATION OR EXPLANATION, INCLUDING HOW THE BANKRUPTCY LAWS RELATE TO YOUR SPECIFIC CASE.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

In re Michael Francis Day, Sr. and Ellen Marie Day / Debtors

Case No. :

Attorney for Debtor: Mark E Levine

STATEMENT Pursuant to Rule 2016(b)

The undersigned, pursuant to Rule 2016(b), Rules of Bankruptcy Procedure, states that:

1. The compensation paid or promised by the Debtor(s), to the undersigned, is as follows:

For legal services rendered, Debtor(s) agrees to pay	\$	2,700
Prior to the filing of this Statement, Debtor(s) has paid	\$	0
Balance Due	-\$	2,700

2. The Filing Fee has been paid.

3. The Service rendered or to be rendered include the following:

- (a) Analysis of the financial situation, and rendering advice and assistance to the client in determining whether to file a petition under Title 11, U.S.C.
- (b) Preparation and filing of the petition, schedules, statement of affairs and other documents required by the court.
- (c) Representation of the client at the first meeting of creditors.
- (d) Advice as required.

4. The source of payments made by the debtor(s) to the undersigned was from earnings, wages and compensation for services performed, and none other.

5. The source of payments to be made by the debtor(s) to the undersigned for the unpaid balance remaining, if any, will be from earnings, wages and compensation for services performed and none other.

6. The undersigned has received no transfer, assignment or pledge of property from the debtor(s) except the following for the value stated: None.

7. The undersigned has not shared or agreed to share with any other entity, other than with members of the undersigned's law firm, any compensation paid or to be paid without the client's consent, except as follows: None.

Dated: 10 / 1 / 2004

Respectfully submitted,

Attorney Name: Mark E Levine

Bar No: 6239485

Law Offices of Peter Francis Geraci
55 E. Monroe Street #3400

Chicago IL 60603
312.332.1800

BY WHOM

In re: Michael Francis Day, Sr. and Ellen Marie Day / Debtors

Case No. : _____

SCHEDULE A - REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, or both own the property by placing an "H", "W", "J", or "C" in the column labeled "HWJC". If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Description and Location of Property	Nature of Debtor's Interest in Property	H W J C	Market Value of Debtor's Interest	Amount of Secured Claim
255 Signature Dr. Bloomingdale, IL 60108 (Debtor's Residence)		J	\$ 178,900	\$ 181,910
		Total	\$ 178,900	

In re: Michael Francis Day, Sr. and Ellen Marie Day / Debtors

Case No. : _____

SCHEDULE B - PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, or both own the property by placing an "H", "W", "J", or "C" in the column labeled "HWJC". If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	H W J C	Market Value of Debtor's Interest Before Claim
01. Cash on Hand		<input checked="" type="checkbox"/> None
02. Checking, savings or other financial accounts, certificates of deposit or shares in banks, savings and loan, thrift building and loan, and homestead associations or credit unions, brokerage houses, or cooperatives.		
TCF Bank joint checking account #XXXXXX5963		\$ 200
03. Security Deposits with public utilities, telephone companies, landlords and others.		<input checked="" type="checkbox"/> None
04. Household goods and furnishings, including audio, video, and computer equipment.		
Household goods; TV, VCR, stereo, sofa, vacuum, table, chairs, lamps, entertainment center, bedroom sets, washer/dryer, stove, refrigerator, microwave, pots/pans, dishes/flatware		\$ 2,000
05. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.		
Books, Compact Discs, Tapes/Records, Family Pictures		\$ 60
Novelty Watch Collection		\$ 200

In re: Michael Francis Day, Sr. and Ellen Marie Day / Debtors

Case No. : _____

SCHEDULE B - PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, or both own the property by placing an "H", "W", "J", or "C" in the column labeled "HWJC". If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	H W J C	Market Value of Debtor's Interest Before Claim
06. Wearing Apparel		
Necessary wearing apparel		\$ 600
07. Furs and jewelry.		
Earrings, watch, costume jewelry		\$ 100
08. Firearms and sports, photographic, and other hobby equipment.		
Smith & Wesson .38 snub-nose Browning 12 gauge shotgun Pellet Rifle		\$ 100
09. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.		
Term Life Insurance - No Cash Surrender Value.		None
10. Annuities		<u>[x] None</u>
11. Interest in IRA, ERISA, Keogh, or other pension or profit sharing plans.		
401K w/ Employer/Former Employer - 100% Exempt.		\$ 7,500
12. Stocks and interests in incorporated and unincorporated businesses.		<u>[x] None</u>
13. Interest in partnerships or joint ventures.		<u>[x] None</u>
14. Government and corporate bonds and other negotiable and non-negotiable instruments.		<u>[x] None</u>
15. Accounts receivable		<u>[x] None</u>
16. Alimony, maintenance, support and property settlements to which the debtor is or may be entitled		<u>[x] None</u>
17. Other liquidated debts owing debtor including tax refunds.		<u>[x] None</u>
18. Equitable and future interests, life estates, and rights of power exercisable for the benefit of the debtor other than those listed in Schedule of Real Property.		<u>[x] None</u>
19. Contingent and Non-contingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.		<u>[x] None</u>
20. Other contingent and unliquidated claims of every nature, including tax refunds, counter claims of the debtor, and rights to setoff claims. Give estimated value of each.		<u>[x] None</u>

In re: **Michael Francis Day, Sr. and Ellen Marie Day / Debtors**

Case No. : _____

SCHEDULE B - PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "X" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, or both own the property by placing an "H", "W", "J", or "C" in the column labeled "HWJC". If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	HWJC	Market Value of Debtor's Interest Before Claim
21. Patents, copyrights and other intellectual property.		<u>[x] None</u>
22. Licenses, franchises and other general intangibles.		<u>[x] None</u>
23. Autos, Truck, Trailers and other vehicles and accessories.		
2001 Hyundai Accent GL- (over 40,000 miles)		\$ 3,500
2001 Hyundai Elantra GLS - (over 33,000 miles)		\$ 5,450
24. Boats, motors and accessories.		<u>[x] None</u>
25. Aircraft and accessories.		<u>[x] None</u>
26. Office equipment, furnishings, and supplies.		<u>[x] None</u>
27. Machinery, fixtures, equipment, and supplies used in business.		<u>[x] None</u>
28. Inventory		<u>[x] None</u>
29. Animals		
Family Pets/Animals.		None
30. Crops-Growing or Harvested.		<u>[x] None</u>
31. Farming equipment and implements.		<u>[x] None</u>
32. Farm supplies, chemicals, and feed.		<u>[x] None</u>
33. Other personal property of any kind not already listed.		<u>[x] None</u>
	Total	<u>\$ 19,710</u>

In re: **Michael Francis Day, Sr. and Ellen Marie Day / Debtors**

Case No. : _____

SCHEDULE C - PROPERTY CLAIMED EXEMPT

[] 11 U.S.C. §522(b)(1): Exemptions provided in 11 U.S.C. §522(d). Note: These exemptions are available only in certain states.

[x] 11 U.S.C. §522(b)(2): Exemptions available under applicable nonbankruptcy federal laws, state or local law where the debtor's domicile has been located for the 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

Description of Property	Specify Law Providing Exemption	Value of Claimed Exemption	Market Value of Debtor's Interest Before Claim
-------------------------	---------------------------------	----------------------------	--

FROM : STARCK REALTORS

FAX NO. : 1-847-358-6877

Oct. 12 2004 05:37PM P1



Starck & Company



October 12, 2004

Fax To: 1-630-672-7478

Ms. Ellen Day
255 Signature Dr.
Bloomington, IL 60108

RE: Fair Market Appraisal/Property Analysis
Subject Property: 255 Signature Drive, Bloomington, IL 60108
County: Du Page State: Illinois

Dear Ms. Day:

As per your request, below is a fair market appraisal of your current residence in Bloomington, Illinois:

AREA COMPARISONS:

221 PEBBLECREEK DRIVE	Listing Price: \$176,900.00	Sold Price: \$174,900.00
224 PEBBLECREEK DRIVE	Listing Price: \$189,900.00	Sold Price: \$185,000.00
223 PEBBLECREEK DRIVE	Listing Price: \$209,900.00	

Your home is an attached single family home located in the Westwind, in the Westlake Subdivision of Bloomington, Illinois. Your home is an "A" Model, 2 bedroom, 1 bath, 1 1/4 car garage, mudroom, kitchen, dining room and living room. Your home is in excellent condition.

Fair Market Appraisal: **\$178,900.00**

Respectfully,

Nancy S. Oleksiak
Life Member Multi-Million Dollar Club
REALTOR®
Starck & Company
235 N. Northwest Highway
Palatine, IL 60067
(847) 358-4800

SCHEDULE C - PROPERTY CLAIMED EXEMPT

[] 11 U.S.C S522(b)(1): Exemptions provided in 11 U.S.C. S522(d). Note: These exemptions are available only in certain states.

[x] 11 U.S.C. S522(b)(2): Exemptions available under applicable nonbankruptcy federal laws, state or local law where the debtor's domicile has been located for the 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

Description of Property	Specify Law Providing Exemption	Value of Claimed Exemption	Market Value of Debtor's Interest Before Claim
00. Real Property			
255 Signature Dr. Bloomingdale, IL 60108 (Debtor's Residence)	735 ILCS 5/12-901	\$ 15,000	\$ 178,900
02. Checking, savings or other financial accounts, certificates of deposit or shares in banks, savings and load, thrift, building and load, and homestead associations or credit unions, brokerage houses, or			
TCF Bank joint checking account #XXXXXX5963	735 ILCS 5/12-1001(b)	\$ 200	\$ 200
04. Household goods and furnishings, including audio, video, and computer equipment.			
Household goods; TV, VCR, stereo, sofa, vacuum, table, chairs, lamps, entertainment center, bedroom sets, washer/dryer, stove, refrigerator, microwave, pots/pans, dishes/flatware	735 ILCS 5/12-1001(b)	\$ 100	\$ 2,000
05. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.			
Books, Compact Discs, Tapes/Records, Family Pictures	735 ILCS 5/12-1001(a)	\$ 60	\$ 60
Novelty Watch Collection	735 ILCS 5/12-1001(b)	\$ 200	\$ 200
06. Wearing Apparel			
Necessary wearing apparel	735 ILCS 5/12-1001(a),(e)	\$ 600	\$ 600
07. Furs and jewelry.			
Earrings, watch, costume jewelry	735 ILCS 5/12-1001(b)	\$ 100	\$ 100
08. Firearms and sports, photographic, and other hobby equipment.			
Smith & Wesson .38 snub-nose Browning 12 gauge shotgun Pellet Rifle	735 ILCS 5/12-1001(b)	\$ 100	\$ 100
11. Interest in IRA,ERISA, Keogh, or other pension or profit sharing plans.			
401K w/ Employer/Former Employer - 100% Exempt.	735 ILCS 5/12-1006	\$ 7,500	\$ 7,500

In re: **Michael Francis Day, Sr. and Ellen Marie Day / Debtors**

Case No. : _____

SCHEDULE C - PROPERTY CLAIMED EXEMPT

[] 11 U.S.C. §522(b)(1): Exemptions provided in 11 U.S.C. §522(d). Note: These exemptions are available only in certain states.

[x] 11 U.S.C. §522(b)(2): Exemptions available under applicable nonbankruptcy federal laws, state or local law where the debtor's domicile has been located for the 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

Description of Property	Specify Law Providing Exemption	Value of Claimed Exemption	Market Value of Debtor's Interest Before Claim
23. Autos, Truck, Trailers and other vehicles and accessories.			
2001 Hyundai Accent GL- (over 40,000 miles)	735 ILCS 5/12-1001(c)	\$ 1,200	\$ 3,500
	735 ILCS 5/12-1001(b)	\$ 1,650	
2001 Hyundai Elantra GLS - (over 33,000 miles)	735 ILCS 5/12-1001(c)	\$ 1,200	\$ 5,450
	735 ILCS 5/12-1001(b)	\$ 1,650	

BY WHOMIn re: **Michael Francis Day, Sr. and Ellen Marie Day / Debtors**

Case No. : _____

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and account number, if any, of all entities holding claims secured by property of the debtor as of the date of filing of the petition. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests. List creditors in alphabetical order to the extent practicable. If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing "H", "W", "J", or "C" in the column labeled "HWJC".

Creditor's Name and Mailing address including Zip Code	Date claim was incurred, nature of lien and description and market value of property subject to lien	HWJC U DI N S LI P Q U T E D A D E N T E D	Amount of claim without deducting value of collateral	Unsecured portion, if any
	Co-Debtor			

1 **Homecomings Financial Network** 02 Mortgage \$ 67,681 \$ 0

Account No. 0301205829 Value: \$ 175,000 J
Attn: Bankruptcy Department 255 Signature Dr. Bloomingdale,
2711 N. Haskell Ave., Ste. 900 IL 60108 (Debtor's Residence)
Dallas TX 75204

2 **Wells Fargo Home Mortgage, Inc.** 04 Mortgage \$ 114,229 \$ 0

Account No. 0041242652 Value: \$ 178,900 J
Bankruptcy Dept. 255 Signature Dr. Bloomingdale,
PO Box 10335 IL 60108 (Debtor's Residence)
Des Moines IA 50306

TOTAL \$ 181,910

In Re: **Michael Francis Day, Sr. and Ellen Marie Day / Debtors**

Case No. : _____

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name and mailing address, including zip code, and account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C", in the column labeled "HWJC".

Claims of a spouse, former spouse, or child of the debtor, for alimony, maintenance or support, to the extent provided in 11 U.S.C. §507(a) (7).

Taxes and Certain Other Debts Owed to Governmental Units

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. §507(a) (3).

Creditor Name and Address	Date Claim was Incurred Consideration for Claim	H C U DI W O N S J N L I P C T I Q U N U I T G D E E A D N T E T E D										Claim Amount and Notes*

[X] NoneDescriptionBY WHOMIn re: **Michael Francis Day, Sr. and Ellen Marie Day / Debtors**

Case No. : _____

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and account number, if any, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. Do not include claims listed in Schedules D and E. If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "HWJC". If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Creditor Name and Address	Date Claim Was Incurred Account #	Claim Amount Consideration for claim hwjc
1 Bank One Account No. 5417122693197129 Attn: Bankruptcy Department PO Box 15153 Wilmington DE 19886-5153	1999 Credit Card or Credit Use	H \$ 9,200
2 Best Buy/HRS USA Account No. 7001191106745061 Bankruptcy Department PO Box 17602 Baltimore MD 21297-1602	2002 Credit Card or Credit Use	H \$ 3,700

In re:

Michael Francis Day, Sr. and Ellen Marie Day Debtors

Case No. : _____

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and account number, if any, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. Do not include claims listed in Schedules D and E. If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "HWJC". If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Creditor Name and Address	Date Claim Was Incurred Account #	Claim Amount Consideration for claim hwjc
3 Capital One Account No. 4121742307806201 Bankruptcy Department PO Box 85167 Richmond VA 23285-5167	2001 Credit Card or Credit Use	J \$ 2,400
4 Goodyear Account No. 47753012147666449 Attn: Bankruptcy Dept. PO Box 8181 Johnson City TN 37615	2003 Credit Card or Credit Use	H \$ 800
5 Household Bank, N.A. Account No. 5176690008825320 Bankruptcy Department PO Box 17051 Baltimore MD 21297-1051	2003 Credit Card or Credit Use	W \$ 2,100
6 JC Penney Account No. 24803894811 Bankruptcy Dept. PO Box 960001 Orlando FL 32896-0001	1981 Credit Card or Credit Use	H \$ 2,200
7 Sams Account No. 7714100170557250 Attn: Bankruptcy Department 7840 Roswell Rd. Atlanta GA 30350	2003 Credit Card or Credit Use	J \$ 800
8 Wells Fargo Fin. Bank Account No. 4071100002384018 Bankruptcy Dept. P.O. Box 5058 Sioux Falls SD 57117-5058	2003 Credit Card or Credit Use	J \$ 6,000

In re: **Michael Francis Day, Sr. and Ellen Marie Day / Debtors**

Page 13 of 26

Case No. : _____

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and account number, if any, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. Do not include claims listed in Schedules D and E. If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "HWJC". If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Creditor Name and Address	Date Claim Was Incurred Account #	Claim Amount Consideration for claim hwjc
9 Wells Fargo Fin. Bank Account No. 42179164 Bankruptcy Dept. P.O. Box 98798 Las Vegas NV 89193	2004 Credit Card or Credit Use	H \$ 8,000
TOTAL		\$ 35,200

In re: **Michael Francis Day, Sr. and Ellen Marie Day / Debtors**

Case No. : _____

SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contracts, i.e., "Purchaser," "Agent," etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing address: all other parties to each lease or contract described.

NOTE: A party listed on this schedule will not receive notice of the filing of this case unless the party is also scheduled in the appropriate schedule of creditors.

Name and Address of Other Parties to Instrument	Notes of contract or Lease and Debtor's Interest
<u>[x] None</u>	

In re: **Michael Francis Day, Sr. and Ellen Marie Day / Debtors**

Case No. : _____

SCHEDULE H - CODEBTORS

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by debtor in the schedules of creditors. Include all guarantors and co-signers. In community property states, a married debtor not filing a joint case should report the name and address of the nondebtor spouse on this schedule. Include all names used by the nondebtor spouse during the six years immediately preceding the commencement of this case.

Name and Address of Codebtor	Name and Address of Creditor
<u>[x] None</u>	

In re: **Michael Francis Day, Sr. and Ellen Marie Day / Debtors**

Case No. : _____

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

Dependent(s)

Debtor's Marital Status:

Married

EMPLOYMENT:

Occupation: Truck Driver
Name of Employer: Overnite Transportation
Years Employed: approximately 11 yrs
Employer Address: 601 W 172nd Street
South Holland IL

SPOUSE

Homemaker

INCOME:

Current monthly gross wages, salary, and commissions
Estimated Monthly overtime

DEBTOR

SPOUSE

5,964.66

0.00

0.00

0.00

SUBTOTAL

LESS PAYROLL DEDUCTIONS

- a. Payroll taxes and social security
- b. Insurance
- c. Union dues
- d. Other: Pension

1,165.75

0.00

89.74

0.00

0.00

0.00

0.00

0.00

0.00

0.00

SUBTOTAL OF PAYROLL DEDUCTIONS

\$1,255.50

\$0.00

TOTAL NET MONTHLY TAKE HOME PAY

4,709.16

0.00

Regular income from operation of business or profession or farm (attach detailed statement)

\$ 0.00

\$ 0.00

Income from real property

\$ 0.00

\$ 0.00

Interest and dividends

\$ 0.00

\$ 0.00

Alimony, maintenance or support payments payable to debtor for the debtor's use or that of dependents listed above

\$ 0.00

\$ 0.00

Social Security or other government assistance

\$ 0.00

\$ 0.00

Pension or retirement income

\$ 0.00

\$ 0.00

Other monthly income

\$ 0.00

\$ 0.00

TOTAL MONTHLY INCOME

\$ 4,709.16

\$ 0.00

TOTAL COMBINED MONTHLY INCOME

\$ 4,709.16

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document:

In re: **Michael Francis Day, Sr. and Ellen Marie Day / Debtors**

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average monthly expenses of the debtor and the debtor's family. Pro rate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate

[] Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse".

Rent or home mortgage payment (include lot rented for mobile home)	1st Mortgage/Rent	0.00
Are real estate taxes included? [x] Yes [] No	2nd Mortgage	0.00
Is property insurance included? [x] Yes [] No	3rd Mortgage	0.00
Utilities: Electricity and heating fuel	\$	275.00
Water and Sewer	\$	40.00
Telephone	\$	75.00
Other Garbage	\$	35.00
	\$	0.00
Home maintenance (repairs and upkeep)	\$	75.00
Food	\$	350.00
Clothing	\$	100.00
Laundry and Dry Cleaning	\$	20.00
Medical and Dental expenses, Rx Medicines	\$	75.00
Transportation (not including car payments)	\$	251.00
Recreation, clubs, and entertainment, etc.	\$	0.00
Newspapers, Magazines	\$	15.00
Charitable contributions	\$	0.00
Insurance (not deducted from wages or included in home mortgage payments)		
Homeowner's or Renter's	\$	0.00
Life	\$	25.00
Health	\$	0.00
Auto	\$	131.00
Other		
Taxes (not deducted from wages or included in home mortgage payments.)	\$	0.00
Installment Payments:		
Auto	\$	0.00
Other		
Auto Repair	\$	75.00
Alimony, maintenance, and support paid to others	\$	0.00
Payments for support of additional dependents not living at your home		
Regular expenses from operation of business, profession, farm (attach detailed statement)		
Other Haircuts	\$	75.00
Personal Care, Non-Rx, Toiletries, Cleaning Supplies	\$	25.00
Postage/Banking	\$	12.00
Contacts	\$	20.00
Babysitting/Childcare		
Tuition, Books	\$	0.00
Student Loans	\$	0.00
Business Expenses/tobacco	\$	580.00
Condo Assessment/Association fees	\$	300.00
TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules)	\$	2,554.00

FOR CHAPTER 12 AND 13 DEBTORS ONLY

A. Total projected monthly income	\$	4,709.16
B. Total projected monthly expenses	\$	2,554.00
C. Excess income (A minus B)	\$	2,155.16

In re: **Michael Francis Day, Sr. and Ellen Marie Day / Debtors**

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average monthly expenses of the debtor and the debtor's family. Pro rate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate

D. Total amount to be paid into plan monthly	\$	2,155.00
--	----	----------

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

In Re:

Michael Francis Day, Sr. and Ellen Marie Day / Debtors

Attorney for Debtor: Mark E Levine

Case No.

For: Peter Francis Geraci

SUMMARY OF SCHEDULES

NAME OF SCHEDULE	ATTACHED (YES / NO)	PAGES	A M O U N T S		S C H E D U L E D	
			ASSETS		LIABILITIES	OTHER
SCHEDULE A - Real Property	Yes	1	178,900			
SCHEDULE B - Personal Property	Yes	—	19,710			
SCHEDULE C - Exempt	Yes	—				
SCHEDULE D - Secured	Yes	—			181,910	
SCHEDULE E - UnSecured Priority	Yes	1				
SCHEDULE F - UnSecured NonPriority	Yes	—			35,200	
SCHEDULE G - Executory Contracts	Yes	—				
SCHEDULE H - CoDebtors	Yes	1				
SCHEDULE I - Income	Yes	1				4,709
SCHEDULE J - Expenditures	Yes	1				2,554
			\$ 198,610	\$ 217,110		

In Re: Michael Francis Day, Sr. and Ellen Marie Day / Debtors

Case No. : _____

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL/JOINT DEBTOR

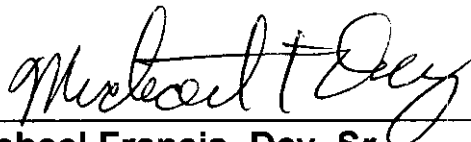
I declare under penalty of perjury that I have read the foregoing summary and schedules, and that they are true and correct to the best of my knowledge, information and belief. I have disclosed on the foregoing schedules all property or assets I may have an interest in, the correct value of it, and every debt I may be liable for. I accept the risk that some debts won't be discharged. I have been advised of the difference between Chapter 7 and Chapter 13, income & expense concepts, budgeting, and have made full disclosure.

Debtor's attorney has advised debtor that creditors can object to discharge of their debt on a variety of grounds including fraud, recent credit usage, divorce and support obligations and reckless conduct.

Debtor's attorney has advised debtor that non-dischargeable debts such as taxes, student loans, fines by government units and liens on property of debtor are generally unaffected by bankruptcy.

Penalty for making a false statement or concealing property. Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. SS 152 and 3571.

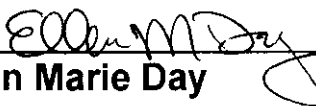
Sign: X



Dated: OCT 1 / 1 /2004

Michael Francis Day, Sr.

Sign: X



Dated: OCT 1 / 1 /2004

Ellen Marie Day

SIGN AND DATE ABOVE

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

In Re: Michael Francis Day, Sr. and Ellen Marie Day / Debtors

Case No. : _____

STATEMENT OF FINANCIAL AFFAIRS

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs.

DEFINITIONS

"In business." A debtor is "in business" for the purpose of this statement if the debtor is a corporation or partnership. An individual debtor is "in business" for the purpose of this form if the debtor is or has been, within the six years immediately preceding the filing of this bankruptcy case, any of the following: an officer, director, managing executive, or owner of 5 percent or more of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed.

"Insider." The term "insider" includes but is not limited to: relatives of the debtor; general partners of the debtor and their relatives; corporations of which the debtor is an officer, director, or person in control; officers, directors, and any owner of 5 percent or more of the voting or equity securities of a corporate debtor and their relatives; affiliates of the debtor and insiders of such affiliates; any managing agent of the debtor. 11 U.S.C. 101

01. INCOME FROM EMPLOYMENT OR OPERATION OF BUSINESS: Identify all sources of income if there is more than one. State the gross amount of income debtor has received from employment, trade, or profession, or from operation of the debtor's business from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the 2 years immediately preceding this case calendar year.

Debtor

2004.....: Approx. \$53,148.25

2003.....: Approx. \$61,000.00

2002.....: Approx. \$58,000.00

Source.....: Employment

Spouse

[x] None

02. INCOME OTHER THAN FROM EMPLOYMENT OR OPERATION OF BUSINESS: State the amount of income received by the debtor OTHER than from employment, trade, profession, or operation of the debtor's business during the 2 years immediately preceding the commencement of this case. Include all payments received from any source. Indicate multiple sources of income.

[x] None

Spouse

[x] None

03. PAYMENTS TO CREDITORS: List all payments on loans, installments, purchases of goods or services, and other debts, aggregating more than \$600.00 to any creditor, made within 90 days immediately preceding the commencement of this case. INCLUDE MORTGAGE AND VEHICLE PAYMENTS MADE IN THE LAST 3 MONTHS.

[x] None

03b PAYMENTS TO RELATIVES OR INSIDERS List all payments made within 1 year immediately preceding the commencement of this case or for the benefit of creditors who are or were insiders.

[x] None

04. SUITS AND ADMINISTRATIVE PROCEEDINGS, EXECUTIONS, GARNISHMENTS AND ATTACHMENTS: List all lawsuits & administrative proceedings you were a party to within 1 year of today, whether as a plaintiff or defendant or other party: include divorces, injury claims, employment claims and all others.

[x] None

04b. WAGES OR ACCOUNTS GARNISHED: List all property which has been attached, garnished or seized under any legal or equitable process within 1 year: [x] None

05. REPOSSESSION, FORECLOSURES AND RETURNS: List all property repossessed, sold at foreclosure sale, deed in lieu of foreclosure, returned to the seller, within 1 year of filing this bankruptcy: [x] None

06. ASSIGNMENTS AND RECEIVERSHIP(S): List assignment of property for benefit of creditors within 120 days before filing this bankruptcy: [x] None

List any property in the hands of a custodian, receiver, or court-appointed official within 1 year of today. [x] None

07. GIFTS: List all gifts or charitable contributions you made within 1 year before filing this bankruptcy case except ordinary & usual gifts or family members less than \$200.00 total per individual family member, & charity contributions less than \$100.00 per recipient. [x] None

08. LIST ALL FIRE, THEFT OR GAMBLING LOSSES WITHIN 1 YEAR OF TODAY: [x] None

09. LIST ALL PAYMENTS TO CREDIT COUNSELORS OR BANKRUPTCY ATTORNEYS INCLUDING PETER FRANCIS GERACI: (by you, or by others for you, within 1 year of today)

Payee.....: Law Offices of Peter Francis Geraci

Address.....: 55 East Monroe Street

Address2.....: Suite 3400

Address3.....: Chicago IL 60603

Date of Payment.: /

Payor.....: Debtor

Payment/Value.....: 2,700.00

In addition to Peter Francis Geraci and his employees of his firm, I hired, at no additional fee, attorneys listed on my contract of representation to work on my case. [x] None

10. If you transferred any property of any kind, either absolutely or as security, within 1 year of today, give details: (Including but not limited to: vehicle: trades, transfers or sales, loans against property, divorce transfers, quit-claim deeds, trusts) [x] None

11. If you CLOSED or TRANSFERRED any checking savings, pension, stock, brokerage, mutual fund, credit union or other accounts within 1 year of today, list details: [x] None

12. LIST ANY SAFETY DEPOSIT BOXES OR OTHER DEPOSITORY PLACES the debtor has or had securities, cash, or other valuables within 1 year of today: [x] None

13. LIST ALL SETOFFS by any creditor, such as a bank or credit union, against a debt or deposit of yours within the past year. [x] None

14. LIST ALL PROPERTY THAT YOU HOLD FOR ANOTHER PERSON: (Including but not limited to: minor's accounts, vehicle in your name that is really someone else's, accounts or property or items you are on title to or in possession of) [x] None

15. WHERE HAVE YOU LIVED IN LAST 2 YEARS: [x] None

16. COMMUNITY PROPERTY STATES WISCONSIN & OTHERS: If you live or did live in a community property state or territory (Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) in last 6 years, name your spouse & ex-spouse & the community property state. [x] None

17. ENVIRONMENTAL INFORMATION: "Environmental law" means any federal, state, or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, soil surface water, ground water, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material. [x] None

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to, disposal sites. "Hazardous material" means anything defined as a hazardous waste, hazardous or toxic substances, pollutant, or contaminant, etc. under environmental Law.

a. If you have received notice of violation of any ENVIRONMENTAL LAW VIOLATION, list name & address of every site & the governmental unit, date of the notice, & Environmental law: [x] None

b. If you provided notice of release of Hazardous Material, list name and address of every site and governmental unit. [x] None

c. If you were party to any Environmental Law judicial or administrative proceedings, orders or settlements, give the name & address of governmental unit that is or was a party to the proceedings, & docket number. [x] None

18. a. List names, addresses, taxpayer ID #, nature of business, begin & end dates all businesses, sole-proprietors, partnerships, corporations in which you had any interest, office, 5% of more voting or equity interest within 6 years of today. List same if debtor is partnership or corporation. [x] None

Name Taxpayer ID# ADDRESS NATURE DATES

b. Identify any business listed above that is a "single asset real estate" as defined in 11 U.S.C. 101.

b. Identify any business listed in subdivision a. that is "single asset real estate" as defined in 11 U.S.C. 101. [x] None

19. List all bookkeepers and accountants in the last 2 years who kept, or supervised the keeping of, your books of account and records. [x] None

b. List all firms or individuals who have audited the books of account and records, or prepared a financial statement of yours in the last 2 years. [x] None

c. List all firms or individuals who are now in possession of your books of account and records of the debtor. If any books or records are not available, explain. [x] None

d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued within the last 2 years. [x] None

20. INVENTORIES [x] None

a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

b. List the name and address of the person having possession of the records of each of the two inventories reported in a., above. [x] None

21A. Only if you are a partnership, list nature and percentage of interest of each member of it. [x] None

b. Only if debtor is a corporation, list officers & directors; each stockholder who directly or indirectly owns, controls, or holds 5% or more of the voting or equity securities of the corporation. [x] None

22. ONLY IF debtor is a partnership, list each member who withdrew from the partnership within 1 year. [x] None

b. If the debtor is a corporation, list all officers or directors who ceased to be officers or directors within 1 year immediately preceding the commencement of this case. [x] None

23. ONLY IF DEBTOR IS A PARTNERSHIP OR CORPORATION, list withdrawals or distributions or payments, bonuses, loans etc. to insiders, including compensation in any form, in past year. [x] None

24. ONLY IF YOU ARE A CORPORATION, list information of parent corporation and taxpayer ID number in last 6 years. [x] None

25. ONLY IF debtor is not an individual, list name & federal taxpayer ID number of any pension fund to which debtor, as an employer, was responsible for contributing in last 6 years. [x] None

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the answers contained in the foregoing Statement of Financial Affairs and any attachments thereto and that they are true and correct.

Sign: X 

Dated: OCT, 1 /2004 **Michael Francis Day, Sr.**

Sign: X 

Dated: Oct 1 /2004 **Ellen Marie Day**

SIGN AND DATE ABOVE AFTER READING IT

Penalty for making a false statement or concealing property. Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. SS 152 and 357.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In Re Michael Francis Day, Sr. and Ellen Marie Day / Debtors

Case No. : _____

STATEMENT OF INTENTION

Attorney for Debtor: Mark E Levine

1. Debtor(s) have filed a schedule of assets and liabilities which includes consumer debts secured by property of the estate.
2. Debtor(s) intention with respects to this property of the estate which secures those consumer debts is as follows:

Property to be Retained

☒ None

*524(c): Debt will be reaffirmed pursuant to Sec. 524(c)

*722: Property is claimed as exempt and will be redeemed pursuant to Sec. 722

3. Debtor(s) understand that 521 (2) (B) of the Bankruptcy Code requires that the above stated intentions be performed within 45 days

Sign: X

Dated: OCT / 1 /2004

Michael F Day
Michael Francis Day, Sr.

Sign: X


Dated: OCT / 1 /2004

Ellen Marie Day
Ellen Marie Day


SIGN AND DATE ABOVE

DISCLAIMER
Page 24 of 28

1. DEBTS TO A SPOUSE, EX-SPOUSE OR CHILD OF YOURS FOR ALIMONY, MAINTENANCE OR SUPPORT in connection with a separation agreement, divorce decree or court order. DEBTS YOU AGREED TO ASSUME IN MARITAL SETTLEMENT AGREEMENTS are GENERALLY dischargeable. They are NON-DISCHARGEABLE only if your ex-spouse files an adversary complaint, and the Judge rules that (a) you do not have the ability to pay the debt OR (b) discharging such debt would result in a benefit to you that outweighs the detriment to ex-spouse or your child.
 2. STUDENT LOANS, TUITION, EDUCATIONAL BENEFITS if government insured loan or owed to non-profit school unless you file a complaint within the bankruptcy to prove repayment would be an "undue hardship", and win.
 3. CO-SIGNERS, JOINT APPLICANTS AND JOINT CARD HOLDERS ARE NOT PROTECTED. Creditors can collect from co-signors and put your bankruptcy on their credit report. You can usually prevent this by continuing to make the regular payments to the creditor. Creditors can liquidate collateral of your co-signer and refuse to continue payment in installments. Property you are joint on with other persons can be LIQUIDATED to pay your creditors.
 4. TAX DEBTS. Most taxes are not discharged in bankruptcy. However, income tax debt (1040 type tax) can be discharged if the following four rules are met:
 - (1). The tax return was DUE at least 3 YEARS (plus extensions) before the filing of your bankruptcy case.
 - (2). You FILED your income tax return at least 2 YEARS before your bankruptcy was filed. You did not file a return if the tax authority or IRS had to file one for you, or if you didn't send the return to the District Director. (3). You did not wilfully intend to evade the tax.
 - (4). The tax must have been ASSESSED over 240 DAYS before the bankruptcy filing. We recommend you meet with the IRS or state department of revenue to make sure all the conditions have been met, before you hire us or file a bankruptcy. Fraudulent taxes and taxes on unfiled returns can be discharged in a Chapter 13 case. Time in an offers in compromise, & time in bankruptcy plus 6 months, will extend the above time periods. Employers' share of FICA & FUTA is dischargeable, but no trust fund taxes like the employee's funds or sales tax.
 5. FINES OR PENALTIES OWED TO A GOVERNMENTAL UNIT. Parking & Traffic tickets, building code violations.
 6. NON-FILING HUSBAND OR WIFE. If you choose to file individually, your spouse is not our client. Only your debts are discharged. If you want to protect a non-filing spouse, pay their bills or file a joint case with them. Family expenses such as medical bills, rent and necessities may be collected from a non-filing spouse. In Wisconsin, community property is liable for community debts.
 7. DUI PERSONAL INJURIES. DEBTS YOU DON'T LIST.
 8. DEBTS WHERE OBJECTION TO DISCHARGE IS SUCCESSFUL. Creditors, the Trustee, or the Court, can try to deny you a discharge based on many factors, INCLUDING:
 - a. Income sufficient to pay a percentage of your unsecured debt.
 - b. Failure to keep books and records documenting your financial affairs.
 - c. Luxury purchases or cash advances, either shortly before filing or without intent or ability to repay.
 - d. Debts you made by false pretenses, breach of fiduciary duty, wilful and malicious injuries to others
 - e. BENEFITS OVERPAYMENTS like aid or unemployment if a determination of fraud has been made before or during your bankruptcy.
 - f. Failure to appear at meetings, court dates, or co-operate with Trustee.
 9. INTEREST ON NON-DISCHARGEABLE DEBTS in a Chapter 13 continues to accrue, and CREDITORS WHO DO NOT FILE CLAIMS in your Chapter 13 plan within 90 days (180 days for governmental units) of the meeting of creditors, do not get paid. Your plan and their claim should provide for interest at contract rate, or you will have to pay the debt outside the Chapter 13 plan. Property taxes must be paid by you directly to avoid sale for delinquent taxes.
 10. LIQUIDATION OF REAL AND PERSONAL PROPERTY. If you file a Chapter 7, any property that is not protected on Schedule C pursuant to state or federal law is taken and sold by the trustee to pay creditors. You agree to assume the risk that your property will be taken and sold by the bankruptcy trustee (at or less than what it is worth) if we can't protect it under applicable state law. You get a discharge, but the trustee can take property not listed and exempted on schedules B and C and sell it for whatever price will provide some benefit to creditors. The trustee can also challenge and deny exemptions you claim.
 11. CHANGE IN LAWS. Laws & court cases change constantly. We can file your case today if you pay us in full (some attorneys give credit, we don't) pay the filing fee and sign your petition in our main office. ANY DELAY BEYOND TODAY IS YOUR RESPONSIBILITY. ADVERSE RULINGS Judges that sit in adjoining courtrooms can rule differently on the same facts. We can predict but cannot guarantee that a judge will or will not rule against you. You must accept the risk of a judge ruling against you, as in any lawsuit.
 12. PAYMENTS TO CREDITORS YOU PREFERRED to pay more than \$600 in front of others, within 1 yr if a relative or insider, or within 90 days if another creditor, so don't pay off debts to keep credit cards or protect others. TRANSFERS OF PROPERTY within 4 years that made you unable to pay your debts at the time can be reversed by a Trustee and the transferee will have to give back the property you transferred.
 13. SURRENDER OF PROPERTY Bankruptcy gets rid of debts, but real estate, condos and time shares remain in your name until a foreclosure sale or the lender accepts a deed in lieu of foreclosure. Turn condo keys over to condo association or remain liable for assessments after filing, and make sure you keep buildings & land insured and maintained and secured until it is taken back by lender or out of your name. If you let a house go vacant and pipes explode or someone gets killed in there you may be liable.
 14. RIGHT TO RECEIVE inheritances, tax refunds, injury claims, compensation of any kind, insurance or realty commissions, are property of the bankruptcy estate and you will surrender these to the trustee unless they are claimed exempt on Schedule C, and no objection to your claim of exemption is upheld. Do not deduct extra money from taxes so you are entitled to a refund, change your W-9 if necessary.
 15. JOINT ACCOUNT HOLDERS holders entire amount in the account could be taken by the trustee under Chapter 7.
 16. MARRIED COUPLES GOING THROUGH DIVORCE: We have been advised to seek independent counsel for our bankruptcy. We understand that Peter Francis Geraci does not represent us with regard to any divorce matters and does not make any representations regarding what will happen in divorce court. We have decided to file a bankruptcy together despite the fact that we are getting a divorce and our interests could be adverse. We have agreed to cooperate with each other in this joint bankruptcy.
 17. AUTO LEASES & INSTALLMENT AGREEMENTS to purchase things, leases and almost all contracts will be void after bankruptcy. They are "executory contracts", and if they are of no benefit to the bankruptcy estate and not assumed within 60 days of filing, they are void. Debtors have been warned of this, and unless there is a novation under state law, or agreement not to use bankruptcy to void the contract, the debtors rights under the contract are extinguished. Debtor agrees to be responsible for obtaining such agreements or losing rights under such contracts. Debtor agrees that his or her attorney will not file motions to assume such contracts.
- The Undersigned have read the above & assume the risk that a debt is not discharged in bankruptcy, that our non-exempt property will be taken and sold by the bankruptcy trustee if it can't be protected, that the trustee might object if I/we have excess income, or change in State, Federal or Bankruptcy laws before the case is filed in Court AND WE HAVE TO READ, CHECK, & MAKE SURE OUR PETITION IS ACCURATE!!!!



Michael Francis Day, Jr.



Ellen Marie Day

Bank One
Attn: Bankruptcy Department
PO Box 15153
Wilmington, DE 19886

Best Buy/HRS USA
Bankruptcy Department
PO Box 17602
Baltimore, MD 21297

Capital One
Bankruptcy Department
PO Box 85167
Richmond, VA 23285

Goodyear
Attn: Bankruptcy Dept.
PO Box 8181
Johnson City, TN 37615

Homecomings Financial Network
Attn: Bankruptcy Department
2711 N. Haskell Ave., Ste. 900
Dallas, TX 75204

Household Bank, N.A.
Bankruptcy Department
PO Box 17051
Baltimore, MD 21297

JC Penney
Bankruptcy Dept.
PO Box 960001
Orlando, FL 32896

Sams
Attn: Bankruptcy Department
7840 Roswell Rd.
Atlanta, GA 30350

Wells Fargo Fin. Bank
Bankruptcy Dept.
P.O. Box 5058
Sioux Falls, SD 57117

Wells Fargo Fin. Bank
Bankruptcy Dept.
P.O. Box 98798
Las Vegas, NV 89193

Wells Fargo Home Mortgage, Inc
Bankruptcy Dept.
PO Box 10335
Des Moines, IA 50306

UNITED STATES BANKRUPTCY COURT
Page 26 of 26

NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION

In Re: Michael Francis Day, Sr. and Ellen Marie Day / Debtors

VERIFICATION OF CREDITOR MATRIX

The above named Debtor(s) hereby verify that the attached list of creditors is true and correct to the best of our knowledge.

Dated: OCT / 1 /2004

Michael F Day
Michael Francis Day, Sr.

Dated: OCT / 1 /2004

Ellen Marie Day
Ellen Marie Day

SIGN AND DATE ABOVE